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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/025,586

12/18/2001

Dipankar Ray

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7955

7590

10/12/2006

John Han  
Ericsson Inc.  
M/S EVW2-C-2  
6300 Legacy Drive  
Plano, TX 75024

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/025,586	RAY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Pyzocha	2137	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

1. Claims 1-12 and 19-22 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/24/2006 has been entered.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "said mobile station" in line 7 after multiple recitations of "a mobile station" which

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renders this claim indefinite. For the purpose of examination it will be assumed there is only one mobile station.

6. Claim 8 recites the limitation "said authentication server" in line 13 after multiple recitations of "an authentication server" which renders this claim indefinite. For the purpose of examination it will be assumed there is only one authentication server.

7. Claim 1 recites the limitation "said affirmative determination" in line 15. There is insufficient antecedent basis for this limitation in the claim.

8. Any claims not specifically addressed are rejected by virtue of their dependencies.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 1-5, 7-9, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zilliacus et al. (US 6915272) in view of Tabuki (US 5841970).

As per claims 1, 8, 9, 19 and 20, Zilliacus et al. discloses a method of communicating data securely within a wireless communications network, comprising the steps of: communication, by a mobile station separately with an authentication server and a database server; receiving a first authentication request at an authentication server from a mobile station; providing a first key from an authentication server to said mobile station in response to said authentication (see column 6 lines 20-45); receiving a second authentication request at an authentication server from said database server, said second authentication request further including said first key provided by said authentication server to said mobile station and a particular data identifying a database record to which said mobile station is requesting access; determining at said authentication server as to whether said mobile station has authority to access said particular database record; and in response to said affirmative determination, instructing said database server to provide information associated with said requested database record to said mobile station wherein said information is encrypted; and providing by said authentication

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server to said mobile station a second key enabling said mobile station to decrypt said information received from said database server using said second key (see column 9 line 60 through column 10 line 31).

Zilliacus et al. fails to disclose the use of a single authentication server system.

However, Tabuki teaches the use of such an authentication server system (see column 6 lines 11-47).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the single authentication server system in the Zilliacus et al. system.

Motivation to do so would have been to determine the correct type of verification to perform (see Tabuki Abstract).

As per claim 2, the modified Zilliacus et al. and Tabuki system discloses said step of providing said first key to said mobile station further comprises the step of providing a time out period for said first key to said mobile station (see Tabuki Column 6, lines 11-29 and Fig 4).

As per claim 3, 5, and 7, the modified Zilliacus et al. and Tabuki system fails to disclose whether the key is generated from the first key and another key (data access key). Examiner took official notice that it is common and well known in the art to build a key from more than one key in the non-final action

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mailed 12/28/05. Based on Applicant's lack of contest in the subsequent remarks filed 3/28/06, the subject matter is assumed to be known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to use more than one key to build a key because doing so increases security in the system since a third party would have to know separate keys to construct the actual key used.

As per claim 4, the modified Zilliacus et al. and Tabuki system discloses the step of instructing said database server to provide information to said mobile station further comprises the step of providing said database server with a third key wherein said third key is used by said database server to further encrypt said information (see Tabuki Column 6, lines 30-42).

11. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Zilliacus et al. and Tabuki system as applied to claims 1 and 8 above, and further in view of Takamoto (US 20020108060).

As per claim 6, the modified Zilliacus et al. and Tabuki system fails to disclose the steps of updating the information.

However, Takamoto teaches receiving a third authentication request from said database server requesting authorization to update said particular database record by said mobile station (see Tabuki Column 7, line 38 through Column 8, line 27;

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Takamoto: [0041]); determining whether said mobile station has authority to update said database record (see Tabuki Column 7, line 38 through Column 8, line 27; Takamoto: [0041]); instructing said database server to allow said mobile station to update information associated with said database record (see Tabuki Column 7, line 38 through Column 8, line 27; Takamoto: [0041]); providing said mobile station with said second key enabling said mobile station to encrypt any information to be transmitted over to the database server to be updated at said database record (see Tabuki Column 7, line 38 through Column 8, line 27; Takamoto: [0041]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to perform the steps of updating in the modified Zilliacus et al. and Tabuki system.

Motivation to do so would have been that doing so makes the system more robust by allowing the mobile station to update content and make changes to information stored on the database server.

12. Claims 10-11 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Zilliacus et al. and Tabuki system as applied to claims 8 and 19 above, in view of Dang, (US 20030101113), and further in view of Honjo, (US 20020049912).



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As per claims 10-11 and 21-22, the modified Zilliacus et al. and Tabuki system fails to disclose the use of a session key generated by the authentication server.

However, Dang and Honjo teach the step of receiving said request from said wireless device to access said information further comprises the step of receiving a session key generated by said authentication server from said wireless device (Dang: [0016]; Honjo: claim 11).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the session key generated by an authentication server in the modified Zilliacus et al. and Tabuki system.

Motivation to do so would have been that doing so increases security in the system by ensuring that the session key is generated by a trusted source and doing so allows the session key computation to take place at the authentication server, thereby reducing computation capacity required at the mobile station.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1-12 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each reference cited on the PTO-892 teaches a method of authentication in a network with a content database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER